



PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(oracle01.013)

5 **Applicant:** Alpern, et al.**Paper No.:** N/A**RECEIVED****Application No:** 09/881,501**Group Art Unit:** 2171**SEP 17 2004**10 **Filed:** 6/14/01**Examiner:** E.P. Leroux**Technology Center 2100****Title:** *Redirection of misses in queryable caches*
.....15 Assistant Commissioner for Patents
Washington, DC 20231

Response to a non-final Office action under 37 C.F.R. 1.116

Summary of the prosecution

20 Examiner mailed a first Office action in the above patent application on 9/26/03. In the Office action, Examiner rejected claim 1 under 35 U.S.C. 102 as anticipated by U.S. patent 6,487,641, Cusson, et al., *Dynamic caches with miss tables*, having an effective filing date of 12/2/99, U.S. patent 5,832,521 (henceforth "Cusson"), or Klots, et al, *Method and apparatus for performing consistent reads in multiple-server environments*, issued 11/3/98 (henceforth "Klots"), and

25 rejected claims 1 and 2 as anticipated by U.S. patent 5,974,129, Bodnar, *Distributed virtual cache method for use in a database query control system*, issued 10/26/99 (henceforth "Bodnar"). Examiner further rejected claim 3 under 35 U.S.C. 103 as unpatentable over Bodnar in view of Klots and claim 4 under 35 U.S.C. 103 as unpatentable over Bodnar and U.S. published patent application 2992/0124082, San Andres, et al., *Architecture and associated*

30 *methods for providing users of a distributed services with an interactive directory of network content*, having an effective filing date of 6/7/95 (henceforth "San Andres"). In a response filed 12/12/03, Applicants amended their claims to better express their increased understanding of the significance of their invention and to better protect their invention and demonstrated that the amended claims were fully supported by the Specification as filed and that they were patentable

35 over the Klots and Bodnar references.

On 3/15/04, Examiner mailed a final Office action in which he employed three new references to reject all of the claims. Claims 5-7, 10-12, 15-16 and 19-22 were rejected under 35 U.S.C.

102(b) as anticipated by U.S. patent 6,073,168, Mighdoll, et al., *Method for reducing delivery latency of an image or other secondary information associated with a file*, issued 6/6/2000, henceforth "Mighdoll". Claims 8, 13, 17, and 23 were rejected under 35 U.S.C. 103(a) as obvious in light of Mighdoll combined with U.S. patent 5,751,581, Tau, et al., *Material movement server*, issued 5/12/98, henceforth "Tau". Claims 9, 14, 18, and 24, finally, were rejected under 35 U.S.C. 103(a) as obvious in light of Mighdoll combined with U.S. patent application publication 2002/0091853 A1, Moore, et al. *Enhancing application performance in dynamic networks*, having a priority date of 1/5/2001, henceforth "Moore".

10 Applicants responded to the Office action of 3/15/04 on 3/29/04 by traversing the rejections. Examiner refused to consider the traversal and Applicants filed a Request for Continued Examination on 4/30/04. The present Office action, mailed 6/18/04, is the first Office action in the RCE. In the present Office action, Examiner objects to the *Abstract* as being too long and rejects all claims under 35 U.S.C. 102(b) as anticipated by U.S. Patent 6,009,271, Whatley, *Method of retrieving data from a relational database*, issued Dec. 28, 1999 (henceforth "Whatley") and under 35 U.S.C. 102(e) as anticipated by U.S. Patent 6,285,997, Carey, et al., *Query optimization with deferred update and autonomous sources*, filed Nov. 16, 1998 and issued Sept. 4, 2001. Applicants are providing a new *Abstract* that is less than 150 words long and is traversing the rejections. Applicants are further including an IDS with a new reference, Shaul Dar, et al., "Semantic data caching and replacement" in: *Proceedings of the 22nd VLDB Conference*, Mumbai (Bombay), India, 1996 (henceforth "Dar") with this response. Dar appears to Applicants' attorney to be at least as relevant to Applicants' claims as any reference cited thus far in the prosecution and this response also includes a discussion of why Applicants' claims are patentable over Dar.

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Please replace the present Abstract with the following Abstract. A copy showing the changes is also included.